

**REMARKS**

Claims 1-3 and 34-40 are pending in the present application. Claims 1-3 and 34-40 are rejected over prior art. Applicants request reconsideration and allowance in view of the following remarks.

**CLAIM REJECTIONS – 35 USC §102**

Claims 1, 3, 34, 35, and 37 are rejected under 35 USC 102(e) as being anticipated by Anvekar et al. (USP 6,684,072). Applicants traverse this rejection.

The Examiner alleges that Anvekar et al. teaches all the features of claim 1. For support, the Examiner cites col. 4, lines 15-59, col. 6, lines 51-63, col. 7, lines 32-48, col. 9, lines 1-12, 39-57, and col. 2, line 66 to col. 3, line 8 of Anvekar et al. Claim 1 recites, *inter alia*, “a user end in operative communication with the service data node, the service data node allowing the user to implement service creation and service negotiation without service provider intervention[.]” (Emphases added.) The sections cited by the Examiner do not teach that a user may implement service creation and service negotiation without service provider intervention. In fact, column 4, lines 25-30, specifically teaches “The Prepaid-Product Rules Database (PAD) 340 is used to maintain a set of rules used for **particular services** available to subscribers and **rules** for updating prepaid account data[.]” (Emphases added.) Applicants submit that the quoted passage above teaches that a user **cannot** create or negotiate service without the intervention of the service provider. Anvekar et al. teaches that creation and negotiation of services are maintained within the control of the service provider. In addition, none of the sections in Anvekar et al. cited by the Examiner teach a user may implement service creation and service negotiation without service provider intervention, as recited claim 1.

For at least the reasons given above, claim 1 is patentable over the Anvekar et al. Dependent claim 3 is also patentable for depending on an allowable base claim.

Independent claim 34 is a method claim, which recites, *inter alia*, “allowing a user to select a service by accessing the database without service provider intervention[.]” For the same reasons given above with respect to the patentability of claim 1, claim 34 is also patentable for the same reasons. Dependent claims 35 and 37 are also patentable for depending on an allowable base claim.

### **CLAIM REJECTIONS – 35 USC §103**

Claims 2, 36 and 40 are rejected under 35 USC 103(a) as being unpatentable over Anveker et al. in view of Bianconi et al. (US Application 2002/0119766).

Without acquiescing to the Examiner’s rejection reasons with regard to claims 2, 36, and 40, and as remarked above, claims 1 and 34 are patentable over Anveker et al., because Anveker et al. fails to teach or suggest “a user end in operative communication with the service data node, the service data node allowing the user to implement service creation and service negotiation without service provider intervention,” as recited in claim 1. In addition, Bianconi et al. also fails to teach or suggest “a user end in operative communication with the service data node, the service data node allowing the user to implement service creation and service negotiation without service provider intervention.” Therefore, even if the teachings of Anveker et al. and Bianconi et al. are combined, the combination would still fail to teach all the limitations recited in claims dependent 2, 36 and 40.

Accordingly, claims 2, 36, and 40 are patentable over the Examiner’s cited references.

Claim 38 is rejected under 35 USC 103(a) as being unpatentable over Anveker et al. in view of Lohtia et al.

Without acquiescing to the Examiner’s rejection reasons with regard to claims 34, and as remarked above, claim 34 is patentable over Anveker et al., because Anveker et al. fails to teach or suggest “allowing a user to select a service by accessing the database without service provider intervention,” as recited in claim 34. In addition, Lohtia et al. also fails to teach or

suggest "allowing a user to select a service by accessing the database without service provider intervention." Therefore, even if the teachings of Anveker et al. and Lohtia et al. are combined, the combination would still fail to teach all the limitations recited in dependent claim 38.

Accordingly, claim 34 is patentable over the Examiner's cited references.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-3 and 34-40 in connection with the present application is earnestly solicited.

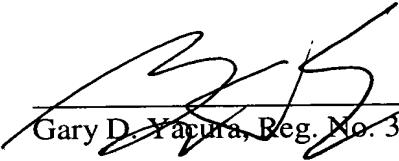
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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